

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 6-8, 10-12, 14-16, 18-20, 22-24, 26-28, 30-32 are cancelled. Claims 1-5, 9, 13, 17, 21, 25, 29, and 33-37 remain in the application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, claims 1-37 were rejected under 35 U.S.C. § 101. The Examiner contends that "the limitations reflect a software application", that "claim 1 denotes an exchange of software information where the code itself is upgraded when prompted", and that "claims 4-16 reflect the movement of data."

Applicant expresses appreciation to Examiner Stevens for the telephone interview conducted on June 29, 2006 with the undersigned regarding the Examiner's rejection of the claims and the assertions of the Examiner. M.P.E.P. § 713.04. The claims have been amended in the present Amendment based on the substance of the telephone interview.

Claim 1, for example, calls for:

adjusting means for changing, when said determining means determines that the software program has requested the change of the processing capability, a value of a particular processing parameter in the first information processing apparatus to a value more compatible with execution of the software program based on a stored change parameter associated with the software program, the change in the value of the particular processing parameter thereby adjusting the processing capability of the first information processing apparatus to emulate the processing capability of the second information processing apparatus. (Emphasis added.)

Claim 1, as amended, more clearly shows how the claimed invention achieves a final result that is "useful, tangible, and concrete." (See "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", 20-22). It

is therefore submitted that claim 1 is in full compliance with the requirements of 35 U.S.C. § 101.

Independent claims 17 and 33-37 have each been similarly amended, and therefore each of these claims is in full compliance with the requirements of 35 U.S.C. § 101 for at least the same reasons.

Claims 2-5, 9, and 13 depend from claim 1, and claims 21, 25, and 29 depend from claim 17. Therefore, each of claims 2-5, 9, 13, 21, 25 and 29 is in full compliance with the requirements of 35 U.S.C. § 101 at least for the same reasons. Moreover, claims 4, 13, and 29 have also been amended to further show how the claimed invention achieves the "useful, tangible, and concrete" final result.

Support for these changes is found, e.g., at ¶¶ [0044]-[0047], [0050], [0052], [0074]-[0075], [0077]-[0080], [0100], and [0110] of the specification.

Accordingly, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 101.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

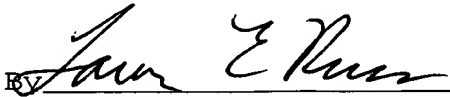
Application No.: 09/929,845

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,


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